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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Syllabi prepared by M. P. Burks, State Reporter.)

MERCHANTS BANK OF DANVILLE V. BALLOU.*—Decided at Richmond, February 8, 1899.—*Harrison, J. Keith, P.*, dissents. Absent, *Riely* and *Cardwell, JJ.*:

1. **TRUSTEE—Purchaser—Notice.** The trustee in a deed to secure creditors is a purchaser for value, and notice to him is notice to the beneficiaries.

2. **PRINCIPAL AND AGENT—Trustee and beneficiary—Acceptance—Notice—Substituted trustee.** In legal contemplation the relation of principal and agent between the trustee named in a deed and the beneficiaries under the deed begins when the transaction is completed. The acceptance of the trustee is presumed until he declines to accept the trust, and, should he decline and a successor be appointed, he takes the shoes of the original trustee, and is subject to all the rights and responsibilities of the position as if originally appointed, and the trust in his hands is tainted with all the imperfections that attached to it in the hands of the original trustee.

3. **TRUSTEE—Notice—Ignorance of deed—Declining trust.** The beneficiaries in a deed of trust are affected with notice to the trustee although he did not know of the existence of the deed or of an intention to make it until it was recorded, and then immediately declined the trust.

4. **CONSTITUTIONAL LAW—Retrospective laws—Presumption.** A statute will not be construed to have a retroactive effect unless there is something on the face of the act putting it beyond doubt that such was the purpose of the legislature.

5. **CONSTITUTIONAL LAW—Retrospective laws—Vested rights—Judgments.** The legislature has no power to disturb vested rights of property by retroactive legislation. A judgment is such a vested right of property, and the legislature cannot by retroactive legislation either destroy or diminish its value. It cannot alter its amount, nor diminish or destroy the effect theretofore given to it as a lien on real estate.

6. **CONSTITUTIONAL LAW—Defective acknowledgments of deeds—Curative act—Prior judgments.** The act approved March 1, 1894 (Acts 1893-4, page 580) in so far as it attempts to validate deeds theretofore made for the benefit of corporations which had been acknowledged before a notary public or other officer who was a stockholder in such corporation is unconstitutional and void so far as it affects the lien of judgments recovered and docketed against the grantors in such deeds prior to the approval of said act. Such acknowledgment is invalid.

RICHMOND TRACTION COMPANY V. MURPHY.—Decided at Richmond, February 8, 1900.—*Harrison, J.*:

1. **STREETS—Railways—Abutting owners—Damages—Benefits.** The occupation of a street by an electric street railway is not generally one of those burdens for

* Recently directed to be reported.